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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CHRISTOPHER WILLIAMS, SAM  
ALBURY, and SHAIA BECKWITCH  
SIMMONS, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., and  
WELLS FARGO & CO.,

Defendants.

Case No. 3:22-cv-00990-JD

Hon. James Donato

**DEFENDANTS' RESPONSE TO JUDICIAL  
REFERRAL FOR THE PURPOSES OF  
DETERMINING RELATIONSHIP**

1 The case referred to this Court by Magistrate Judge Kandis A. Westmore for consideration of  
2 whether it is related to this action under Civil Local Rule 3-12, *Pope v. Wells Fargo Bank, N.A. et*  
3 *al.*, No. 4:22-cv-01793-KAW (“*Pope*”) [Dkt. No. 53], is substantially identical with *Braxton v. Wells*  
4 *Fargo Bank, N.A. et al.*, No. 3:22-cv-01748-JD (“*Braxton*”). This Court has already determined that  
5 *Braxton* is related to this action [Dkt. No. 45]. Those cases are among six putative class actions  
6 currently pending in this District that allege discrimination against African American borrowers by  
7 Wells Fargo Bank, N.A. and its affiliates (collectively, “Wells Fargo”) in its residential mortgage  
8 business.<sup>1</sup>

9 There has already been substantial briefing concerning the relation of *Pope*, *Ebo*, and this  
10 action. Plaintiff Ifeoma Ebo filed a motion in her case arguing that *Ebo* was related to *Pope*. [*Ebo*  
11 Dkt. No. 11, attached as Exhibit A to the Declaration of Alicia A. Baiardo.] The magistrate judge  
12 presiding over *Ebo* accordingly referred the issue to Magistrate Judge Westmore, as *Pope* was the  
13 lower-numbered case of the two. [*Ebo* Dkt. No. 12.] Although Wells Fargo has not been served in  
14 either *Pope* or *Ebo*,<sup>2</sup> it seemed inefficient to have the question of *Ebo*’s relation to *Pope* decided  
15 when this action had the lowest case number of all. Thus, Wells Fargo responded with an  
16 explanation of why *Ebo* was related to this action, lodging that response with this Court. [Dkt. No.  
17 44.] Magistrate Judge Westmore responded by referring the question to this Court. [Dkt. No. 53.]  
18 While Magistrate Judge Westmore’s referral does not expressly ask this Court to consider whether  
19 *Ebo* is also related to this action, that question is before the court in *Pope*, and so a determination by  
20 this Court that *Pope* is related to this action would transfer the question of *Ebo*’s relation to this  
21 Court, as well. For the same reasons that *Braxton* is related to this action [see Dkt. No. 32], so too  
22 are *Pope* and *Ebo*.

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23 <sup>1</sup> Wells Fargo previously notified the Court of five of those six cases in its administrative  
24 motion to determine whether *Braxton* was related, namely, this action, *Braxton*, *Pope*, *Thomas et al.*  
25 *v. Wells Fargo Bank, N.A. et al.*, No. 3:22-cv-01931-LB (“*Thomas*”), and *Ebo v. Wells Fargo Bank,*  
26 *N.A.*, No. 3:22-cv-02535-SK (“*Ebo*”). [See Dkt. No. 32 at 3 n.2.] The same attorneys represent the  
27 plaintiffs in both *Pope* and *Thomas*. Wells Fargo recently became aware of a sixth case, *Perkins et*  
28 *al. v. Wells Fargo N.A. et al.*, No. 3:22-cv-03455-DMR (“*Perkins*”), filed June 10, 2022.

<sup>2</sup> Wells Fargo also has not been served in *Thomas* or *Perkins*. At the appropriate time, Wells  
Fargo intends to file an administrative motion to consider whether those cases should be deemed  
related to this action pursuant to Civil Local Rule 3-12.

1           Respectfully, this Court should relate not only *Pope* to this action, but also *Ebo* – and, at  
2 some point, *Perkins* and *Thomas* as well.

3  
4 Dated: June 23, 2022

**MCGUIREWOODS LLP**

5  
6 By: /s/ Alicia A. Baiardo

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27  
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on June 23, 2022, a copy of the foregoing pleading was filed electronically  
3 with the clerk of court via ECF, which will serve all counsel of record, and served via First-Class Mail  
4 to any party not filing ECF, postage prepaid.

5  
6 Dated: June 23, 2022

By: /s/ Alicia A. Baiardo  
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